

REMARKS

Claims 28-35 and 39-49 are pending. Claims 28, 35, 39-41, and 49 are rejected under 35 U.S.C. § 102(e). Claims 29-34 and 42-48 are rejected under 35 U.S.C. § 103(a). Group I claims 1-27 and 36-38 have been canceled.

Examiner has objected to the drawings for presenting drawing numerals not described in the specification. The specification is amended to include a description of the drawing numerals.

Independent claim 28 is rejected under 35 U.S.C. § 102(e) as being anticipated by Whinnett et al. (U.S. Pat. No. 6,317,411). Claim 29 depends directly from claim 28 and is rejected under 35 U.S.C. § 103(a) over Whinnett et al. in view of Secord et al. (U.S. Pat. No. 6,373,831). Claim 28 is amended to include the limitations of claim 29. Claim 29 is cancelled without prejudice. Examiner admits that Whinnett et al. do not teach the limitations of claim 29 and relies on the disclosure of Secord et al. Claim 28, as amended, recites “the encoder circuit coupled to receive a control signal, the encoder circuit producing the plurality of symbols at the first output terminal and the transform of the plurality of symbols at the second output terminal in response to a first value of the control signal, the encoder circuit producing the plurality of symbols at the first output terminal and not producing the transform of the plurality of symbols at the second output terminal in response to a second value of the control signal.” (emphasis added). This feature of the claimed invention is described in detail at paragraphs 28-29 of U.S. Pub. No. 2004/0101032.

This is very different from the disclosure of Secord et al. Examiner states that power control bits transform the output of MUX 40 in Figure 5. Regarding the disclosure of Secord et al., if operation of the power control symbol causes a transform of the signals, then either the signals or the transform of the signals is produced. Secord et al. do not teach that both are produced. Alternatively, if there is a power control symbol for one position of the MUX 30 and no power control symbol for another position of MUX 30, then the signals are different for different positions

of MUX 30. The transformed signals at the second output terminal, therefore, are not transformations of the signals at the first output terminal. Thus, claim 28 and depending claims 30-35 are patentable under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) over the cited references.

Claim 39 is rejected under 35 U.S.C. § 102(e) as being anticipated by Whinnett et al. Claim 39 recites “A circuit, comprising an encoder circuit coupled to receive a plurality of symbols, the encoder circuit producing the plurality of symbols and a sequence of predetermined signals at a first and a second output terminal, wherein the sequence of predetermined signals comprises a code sequence, and wherein a first shift of the code sequence corresponds to the first output terminal and a second shift of the code sequence corresponds to the second output terminal.” (emphasis added). This feature of the present invention is described in detail at paragraph 34 with reference to Figure 5B.

As best applicants understand the present rejection (col. 5, lines 28-35), Examiner takes first and second levels of error correction coding as first and second shifts of the code sequence of claim 39. This is incorrect. Claim 39 recites a single code sequence. One part of the code sequence (first shift) corresponds to a first output terminal. Another part of the code sequence (second shift) corresponds to a second output terminal. Both are parts of the same code sequence. This is very different from the disclosure of Whinnett et al. Thus, claim 39 is patentable under 35 U.S.C. § 102(e) over Whinnett et al.

Claim 40 is rejected under 35 U.S.C. § 102(e) as being anticipated by Whinnett et al. Claim 43 depends directly from claim 40 and is rejected under 35 U.S.C. § 103(a) over Whinnett et al. in view of Secord et al. Claim 40 is amended to include the limitations of claim 43. Claim 43 is cancelled without prejudice. As previously discussed with regard to claim 28, Whinnett et al. and Secord et al., taken alone or in combination do not disclose the limitations of amended claim 40. Thus, claim 40 and depending claims 41-42 and 44-49 are patentable under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) over the cited references.

In view of the foregoing, applicants respectfully request allowance of claims 28, 30-35, 39-42, and 44-49. If the Examiner finds any issue that is unresolved, please call applicants' attorney by dialing the telephone number printed below.

Respectfully submitted,



Robert N. Rountree  
Attorney for Applicants  
Reg. No. 39,347

Robert N. Rountree, LLC  
70360 Highway 69  
Cotopaxi, CO 81223  
Phone/Fax: (719) 783-0990

TI-28984.1, Page 13